IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 240 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHENDRAKUMAR NIRMALKUMAR NIRMAL

Versus

STATE OF GUJARAT

Appearance:

MR MJ BUDDHBHATTI for Petitioner

MR BY MANKAD, APP for Respondent No. 1

Respondent No. 2 absent though duly served

MR NITIN M AMIN for Respondent No. 3

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 13/11/2000

ORAL JUDGEMENT

This is a Criminal Revision Application filed by Original Complainant of proceeding bearing C.R.No.I 51 of 1994 of Rajkot Taluka Police Station under Section 397 of

the Criminal Procedure Code, 1973 (In short `Cr.P.C.') challenging legality, correctness and propriety of an order dated 26th June, 1996, rendered by the learned Additional Sessions Judge, Rajkot, in Criminal Revision Application No.123 of 1994.

2. Here in this Criminal Revision Application, the Revision Petitioner is the complainant, Revision Opponent No.3 is the financier of the vehicle in question and Revision Opponent No.2 is the dealer from whom vehicle was purchased.

3. When this Criminal Revision Application was taken up for final hearing, the learned advocates for both the parties jointly submitted that this application be disposed of, without entering into merits of the case, by giving suitable directions to the learned Magistrate before whom the Criminal Case is pending. They also jointly submitted that this Court may not give reasons in its judgment while passing the final order.

4. Having heard the learned advocates for both the parties and on going through the judgment dated 26th June, 1996, which is challenged in this Criminal Revision Application and on considering the grounds stated in memo of this Revision, this Court is of the view that this Criminal Revision Application requires to be disposed of by giving suitable directions to the trial Court.

5. In view of what is stated hereinabove, the learned J.M.F.C., Rajkot, is directed to conduct the case arising from C.R.No. I 51 of 1994 of Rajkot Taluka Police Station (offence punishable under Sec.406 of IPC) and complete the trial, if it is pending, as early as possible, preferably within three months from the date of receipt of writ of this Court, by affording full opportunity of being heard, to concerned all the parties.

In view of this, this Criminal Revision Application stands disposed of accordingly. Rule is made absolute to that extent. Ad-interim relief granted earlier stands vacated.

(H.H. Mehta, J.)

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